

## Judicial Council of California Court Interpreters Advisory Panel Meeting

Marriott Hotel, San Diego, CA September 6, 2005 **Meeting Minutes** 

#### Panel Members Present

Hon. Eileen C. Moore, Chair

Ms. Judy Arasé

Hon. Susan M. Breall

Mr. Gregory Drapac

Mr. Charles J. Légier

Hon. Dan Thomas Oki

## **Advisory Members Present**

Mr. Mark A. Arnold

Ms. Susan S. Eadie

Mr. Nestor Wagner

## **Absent Panel Members**

Mr. Charles D. Brown

Ms. María Gálvez

Mr. Lorenzo Hurtado

Ms. Rosa Junquiero

## Administrative Office of the Courts

**Executive Office** 

Mr. Ronald G. Overholt

## **Executive Office Programs**

Ms. Dianne Bolotte

Ms. Marlene Smith

Ms. Pat Sweeten

## **Labor and Employee Relations Unit**

Mr. Scott Gardner

## **Finance Division, AOC**

Mr. Mark Garcia

## Office of the General Counsel, AOC

Mr. Kenneth L. Kann

## **Education Division/Center for Judicial Education**

and Research (CJER)

Ms. Martha Kilbourn

## **Court Interpreters Program**

Ms. Debbie Chong-Manguiat

Ms. Sherry Goodman

Ms. Elizabeth Tam

Ms. Lisa Werblun

Ms. Janette Zupnik

#### Others Present

Mr. Arturo Casarez, President of California Court

Interpreters Association (CCIA)

Mr. Gregory R. Gullstrand, Attorney at Law

#### I. Call to Order

Justice Eileen C. Moore called the meeting to order at 1:05 p.m., and all participants introduced themselves.

## A. Introductions and Meeting Assignments

Justice Moore introduced Ms. Dianne Bolotte as the interim manager of the Court Interpreters Program (CIP).

Mr. Mark Garcia was named time and assignment keeper for the meeting.

## B. Approval of the Previous Meeting's Minutes

Ms. Judy Arasé noted that on page 2 item I.B, paragraph 1, sentence 2 should include the following after Association, "in some language combinations and in some directions." The entire sentence should now read, "The only entity that currently provides certification for translators is the American Translators Association, in some language combinations and in some directions, but the Judicial Council has not approved it."

Mr. Gregory Drapac reported on an additional change to the minutes. On page 3, 2nd to last paragraph, last line, "there are 39 certified interpreters 11 of whom are full-time *contractors*" replaced "*employees*" with "*contractors*."

**Motion.** A motion was made to correct and approve the meeting minutes of the June 10, 2005 meeting.

**Second.** The motion was seconded. Minutes were approved. **Motion passed.** 

#### II. Presentations From the Public

Justice Moore read the panel a letter written to Mr. William Vickrey dated June 16, 2005. Justice Moore then read a reply from Mr. Vickrey/AOC to the panel.

#### A. California Court Interpreters Association (CCIA)

Mr. Arturo Casarez, president, addressed the panel. He thanked Justice Moore and the panel for the letter sent to address compensation concerns. Mr. Casarez expressed a number of concerns highlighting a staggering decrease in the statewide certified interpreter pool from which the courts draw.

## B. Gregory R. Gullstrand

Mr. Gullstrand addressed the panel as a representative of one of his native Mandarin court interpreter clients to convey his concern regarding the pass and fail rate on the oral portion of the Mandarin certified interpreter examination by native Mandarin speakers. He strongly suggested that, for example, native Mandarin speakers should be the examiners testing prospective native Mandarin court interpreters.

Justice Moore asked panel members if they wished to respond to Mr. Gullstrand.

Ms. Arasé suggested solutions to the issues raised by Mr. Gullstrand.

Mr. Drapac suggested that some of the issues raised do need to be looked at, in particular rater demographics, i.e., native Mandarin speaker vs. Cantonese speaker.

Ms. Bolotte suggested that staff member Janette Zupnik follow up with actual numbers or statistics to bring back and report on at the next CIAP meeting. The information to report on is the legal mandate as to when certified vs. noncertified Mandarin interpreters are requested and for which type of cases, civil or criminal.

## III. Reports from Subcommittee and Task Forces

#### A. ASL

Ms. Sue Eadie stated that she had submitted a written report listed under Tab 4. She has been in touch with several deaf interpreters to acquire input on possible changes to legislation regarding certifying deaf interpreters to work in the court alongside hearing interpreters. Once proposals are submitted to Ms. Eadie, she will share with both Ms. Elizabeth Tam and the CIAP. Ms. Eadie anticipates a proposal will be ready to submit to the panel by the end of September.

Ms. Eadie stated that she would submit a proposal to the panel on behalf of the ASL task force or report back at next CIAP meeting.

#### B. Translation

Staff reported that there would be no presentation; Justice Moore questioned which panel member(s) participates on this task force. Staff reported that Mr. Charles Brown previously chaired this task force; however, today was his last day as a member of the panel. Justice Moore asked if meetings had occurred. Members of this subcommittee reported that two conference calls had taken place.

## C. Higher Learning and Refresher Course

Mr. Nestor Wagner reported on two issues that the task force is currently discussing. Task force wants to prepare sample "OTS" course outlines for courses offered at higher institutions and the preparation of OTS glossaries. On behalf of the subcommittee members, Mr. Wagner responded to some of CPS's questions presented to the subcommittee by Ms. Zupnik.

There was discussion as to who should provide the "OTS" glossaries and concern that they are extremely limited and need to be expanded.

Ms. Zupnik discussed the disadvantages of the JC/AOC pursuing the development of bilingual glossaries or "OTS" glossaries.

Justice Moore suggested that Mr. Wagner gather more specific criticisms of "OTS" glossaries from Ms. Zupnik, return to task force for discussion, and report findings and recommendations at the next CIAP meeting.

## D. Discipline, Ethics, and Team Interpreting

In Ms. Rosa Junquiero's absence Justice Moore asked for volunteers to follow up and focus on the ongoing task force discipline and ethics rules. Mr. Mark Arnold volunteered. Mr. Kenneth Kann interjected that he and Mr. Scott Gardner were working together to assign an attorney to assist the task force with the legal aspects of the discipline and ethics rules.

Mr. Arnold reported that the rule 984.4 document has been floating around the panel for approximately five years and he expressed his satisfaction that the majority of concerns and complaints have been addressed, and there will likely be no more changes out of RUPRO. Mr. Arnold commented that it was time to move this issue forward.

Justice Moore asked that at least one more task force meeting take place addressing whether or not rule 984.4 addresses all the concerns with SB 371 and whether there are any problems from the Office of the General Counsel and/or the Labor and Employee Relations Unit. If the issues have not been satisfied, they will be addressed at the next CIAP meeting. However, if all are satisfied, then issue will be moved to RUPRO again.

#### E. Regional Reports Update

Mr. Gardner was asked to briefly report on the status of negotiations. Region 1 and Region 4 have reached agreements between the courts and the unions that represent the interpreter employees. They are proceeding under their new MOUs.

Regions 2 and 3: Continue in negotiations. Continue to work with unions toward reaching an understanding and agreement. State mediators have been brought in to assist in the process.

## IV. Collaboration With Higher Education

Ms. Zupnik introduced Ms. Martha Kilbourn, Manager of Branchwide Education Initiatives, Education Division/CJER, AOC, who discussed the development of more education programs for court interpreters in California.

Ms. Kilbourn informed the panel that she, Ms. Zupnik, and Ms. Marlene Smith were invited to a meeting of the deans and directors of the California State University system for Extended Education. Ms. Zupnik presented the complexity of the statewide need for court interpreters.

The state dean for Extended Education for the State University system requested more data. For example, he wanted to know the number of current statewide court interpreters, future need, and average interpreter salary.

Ms. Kilbourn reported that the next step is to speak with one of the deans of the California Community College system. The dean has expressed interest in our endeavor as a partnership. Ms. Kilbourn described the partnership between the courts and educational institutions.

Justice Moore asked how the panel can support this endeavor.

Ms. Bolotte discussed the benefits to the panel as well as the interpreters by the collaborative efforts between the Executive Office Programs Division and the Education Division.

Ms. Arasé suggested the creation of a one-page "facts" document that could be offered to colleges to address their basic interpreter questions, such as the difference between interpreting and translating, or naming the specific Chinese dialects, e.g., Mandarin, Cantonese.

## V. Update on List Servers for Task Forces

Ms. Tam updated panel members that Justice Moore tasked the Court Interpreter Staff to search for a communication tool by which task forces can meet electronically, share knowledge, discuss topics of concern, and so forth.

Ms. Berta Bejarano and Ms. Tam met with AOC Communications and Information Systems (IS) staff members to discuss options. Ms. Tam referred panel members to review Ms. Bejarano's report enclosed in meeting materials. CIP staff was offered two options: (1) listserv; (2) Intranets.com

Ms. Tam summarized Ms. Bejarano's report. She provided advantages and disadvantages of both services. Listserv proved to be the better option, with Intranets.com not as user friendly or compatible with panel needs. CIAP members voted to institute listserv as a new communication tool. Ms. Tam will follow up

with IS in implementation of listserv. Ms. Tam will report back at next CIAP meeting on status.

# VI. Advisory Committee Roles in Ensuring Public Trust and Confidence in the Courts

Ms. Bolotte reported on the survey of the public and attorneys about their trust and confidence in the California courts system. Between the months of November through February 2005, over 2,400 Californian adults, 18 years of age or older, were surveyed over the phone about their "feelings" about the courts. Over 500 practicing California attorneys were surveyed via the Internet.

Ms. Bolotte reported that overall the public's confidence in the California court system is relatively high. The 2005 survey indicates that the public rates the court system at a much higher level than when last surveyed in 1992.

Ms. Bolotte suggested that a subcommittee be formed to discuss the CIAP's ideas and plans to submit to the Judicial Council by December 19, 2005. Justice Moore solicited volunteers from advisory committee members. Judge Susan M. Breall, Mr. Drapac, Mr. Mark Arnold, and Mr. Charles Légier volunteered to work on this subcommittee. Judge Breall will serve as chair of this task force.

Along with Judge Breall, Ms. Bolotte will take the lead at bringing the four advisory committee members to meet in San Francisco to form the subcommittee to discuss ideas and plans to submit to the council by December 19, 2005.

## VII. General Updates and Announcements

#### • Language Needs Survey

Ms. Tam reported that the Court Interpreters Program (CIP) has been mandated by California Government Code section 68563 to complete a language needs survey every five years. The CIP hired consultants Walter R. McDonald & Associates to conduct the survey. These are the same consultants that conducted the 2000 California Language Needs Survey. Ms. Tam reported that a first draft report was submitted by the consultants in August and hopes that a final draft will be completed and published by October for presentation at the December 2005 Judicial Council meeting.

## • Budgetary Update

Ms. Bolotte reported on Court Interpreter Program resources focusing on the Operational Expenses and Expenditure (OE&E) funds for the program. She brought attention to the Consultants line item, specifically the budgeted dollars for Cooperative Personnel Services (CPS). She reported on a discrepancy between the proposal from CPS and budgeted dollars for Consultant line item. She stated that a new CPS contract has not been signed and will not obligate CIP to anything that cannot be financially justified. Ms. Bolotte is looking at testing

administration and development. Since we are currently subsidizing fees and since fees have not been raised since 1994, Ms. Bolotte proposed increasing interpreter testing fees. She reported that currently medical interpreter testing fees are \$315.

Ms. Bolotte is recommending that next fiscal year CIP send out Requests for Proposals (RFPs) to testing entities and institutions.

Ms. Zupnik addressed panel questions regarding the specifics of the interpreter testing process, written and oral.

## **VIII. Education and Testing Subcommittee**

Ms. Zupnik reported on language and interpreting exam standards for the program.

• 3½ minutes is the length of time for the California simultaneous translation component of the exam (average length in other states for this component is 7 minutes).

Recommendation: Instruct CPS to increase time for simultaneous component from 3½ minutes to 7 minutes beginning in FY 2006/2007.

#### Panel Action:

Motion was made to adopt passage of recommendation Motion was seconded and passed.

#### Sight Translation:

• 1 minute is allowed for reading the sight translation and 4 minutes to perform the sight translation, for a total of 5 minutes.

Recommendation: Instruct CPS to extend sight translation to 6 minutes, increasing the reading portion of the sight translation from 1 to 2 minutes.

#### Panel Action:

Motion was made to adopt passage of recommendation Motion was seconded and passed for immediate implementation.

• Addition of legal terminology to the written exam.

Recommendation: Do not add additional legal terminology to the written exam as long as it continues to be used as a screening tool.

After considerable discussion, Ms. Zupnik withdrew her recommendation and suggested that this particular discussion be revisited at a later date.

## IX. Final Long Form Survey

Ms. Sherry Goodman instructed the panel to review and complete AOC/Judicial Council survey regarding each committee member's experience with serving on the advisory committee.

## X. Recognition of Exiting Panel Members

Ms. Pat Sweeten presented to Justice Moore a letter of appreciation and a plaque from the Chief Justice recognizing her time and efforts serving as chair of the Court Interpreters Advisory Panel.

## XI. Next CIAP Meeting

Ms. Bolotte commented that the panel would likely meet in February in San Francisco. The exact date will be determined.

Ms. Tam commented that future meeting materials will be distributed electronically utilizing Adobe Acrobat PDF file software.

Mr. Drapac interjected on the volume of material associated with mailing out continuing education credit information. He suggested that the program consider also mailing continuing education materials electronically.

Mr. Drapac asked if another subcommittee member would be appointed chair for the Education and Testing task force, as the current chair has been out of contact. Mr. Charles Légier volunteered to chair that task force.

## XII. Adjournment

The meeting was adjourned at 4:20 p.m. by Justice Moore.